

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT DERWIN AVERY,  
Plaintiff,

v.

DEPARTMENT OF THE ARMY,  
Defendant.

Case No. [14-cv-01077-YGR](#) (PR)

**ORDER RE PLAINTIFF'S REQUEST FOR  
EXTENSION OF TIME TO FILE OPPOSITION  
TO MOTION TO DISMISS**

Dkt. 20

On August 25, 2014, Plaintiff filed a motion for an enlargement of time of up to 120-days to prepare an opposition to an anticipated dispositive motion to be filed by Defendants pursuant to the deadlines set forth in the Court's Order of Service. Dkt. No. 20. The motion is GRANTED in part and DENIED in part, as explained below.

Defendants' motion to dismiss was filed on October 29, 2014. Dkt. 21. Pursuant to the Court's Order of Service, Plaintiff was directed to file an opposition within 28 days, or up to and including November 26, 2014.<sup>1</sup> In light of Plaintiff's motion requesting a 120-day extension to file his opposition, the Court DENIES a 120-day extension as unwarranted, and instead GRANTS a 60-day extension of time for Plaintiff to file his opposition, up to and including **January 26, 2015**. Under the Court's Order of Service, Defendants shall file their reply to the opposition no later than **fourteen (14) days** after the date Plaintiff's opposition is filed.

This Order terminates Docket No. 20.

**IT IS SO ORDERED.**

Dated: November 10, 2014

  
YVONNE GONZALEZ ROGERS  
United States District Court Judge

<sup>1</sup> The deadlines on ECF registered by Defendants do not comport with the Court's Order of Service. Defendants are counseled to be more cautious when entering deadlines on ECF to ensure that they are consistent with the Court's Order of Service and any requirements relative to mailing.